

REMARKS

This application has been carefully reviewed in light of the final Office Action dated June 17, 2005. Claims 1 to 33 are presented for examination, of which Claims 1, 7, 9 to 13 and 15 are independent. Reconsideration and further examination are respectfully requested.

Claims 1 to 14 and 18 to 22 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,427,008 (Balaz) in view of U.S. Patent No. 5,631,904 (Fitser). Claims 15 to 17 were rejected under 35 U.S.C. §103(a) over Balaz in view of Fitser and further in view of U.S. Patent No. 5,408,526 (McFarland). Claims 23 to 32 were rejected under 35 U.S.C. § 103(a) over Balaz in view of Fitser and further in view of U.S. Patent No. 5,953,400 (Rosenthal). Claim 33 was rejected under 35 U.S.C. § 103(a) over Balaz in view of Fitser and McFarland and further in view of Rosenthal. Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention relates to communication services in which an additional service is provided to a called party (or "user") based upon the time or amount of communication of the call. The additional service may also be based on a commonality of communication service providers between the calling party and the called party. One aspect of the present invention is the accumulation of a communication time or communication amount of each call that the user receives from a calling party through a communication service of the communication company, and the provision of the additional service to the user in accordance with the accumulated time or accumulated amount of

communication. In this way, a called party is given an incentive to increase traffic received by him through the communication company.

With specific reference to the claims, independent Claim 1 defines a method of providing an additional service to a user that subscribes to a communication company's communication service. The method comprises accumulating a communication time of each call from a calling party the user receives through the communication service of the communication company, and providing an additional service to the user in accordance with the accumulated communication time, wherein the calling party of each call, not the user who receives the call, is charged for the call.

Similarly, independent Claim 7 defines a method of providing an additional service to a user that subscribes to a communication company's communication service. The method comprises accumulating a communication amount of each call from a calling party the user receives through the communication service of the communication company, and providing the additional service to the user in accordance with the accumulated amount of communication, wherein the calling party of each call, not the user who receives the call, is charged for the call.

The applied art is not seen to disclose or suggest the features of independent Claims 1 and 7.

Balaz relates to methods and devices for billing teleconferences. The participants of Balaz's teleconference are billed at a regular rate or at a reduced rate if they qualify. (column 5, line 60 to column 6, line 23 of Balaz). However, Balaz's teleconferencing setup is not seen to disclose or fairly suggest that a user receives a call

from a calling party. On the contrary, Balaz discloses that all of its teleconference participants call a number provided by the conference organizer, such that no user receives a call. (column 5, lines 34 to 36 of Balaz). This operation of Balaz's system is highlighted by the fact that the system uses CLID information of the calling participant to determine whether reduced charges to apply to the participant. (column 6, lines 8 to 13 of Balaz). Therefore, the participants of Balaz's teleconference are seen as calling parties, not users receiving a call through a communication service, much less a communication service to which the users subscribe.

Furthermore, Balaz is not seen to disclose or fairly suggest providing an additional service to a user in accordance with an accumulated communication time. In this regard, Office Action apparently assumes that the call-in bridge connection of Balaz could somehow be viewed as disclosing a teleconference participant who "receives" calls from the other participants that have dialed-in to the bridge. Applicant disagrees with this characterization, but in any event, Balaz is not seen to disclose or suggest accumulating a communication time or communication amount of each call from a calling party the user receives, much less providing an additional service in accordance with the accumulated communication time or amount. While Balaz may disclose a reduced rate for certain teleconference participants, Balaz's reduced rate is based on the origin of the participant's call, as determined from CLID information of the participant's call, and is not based on a communication time or communication amount, much less an accumulated communication time or accumulated communication amount.

Fitser is seen to disclose a conference call service subscriber establishing a list of participants to include in a conference call. When the subscriber initiates a conference call, bridge hardware 36 calls each of the participants on the list. (column 4, lines 11 to 14 of Fitser). The subscriber can choose to pay all costs for the conference call by choosing the appropriate billing option. (column 5, lines 32 to 35 of Fitser).

As in Balaz, Fitser is not seen to disclose or fairly suggest a call from a calling party the user receives through the communication service of the communication company to which the user subscribes, much less accumulating a communication time or communication amount of each call and providing an additional service to the user in accordance with the accumulated communication time or accumulated communication amount. On the contrary, Fitser is seen to disclose the subscriber is the calling party, not the called party, because the subscriber initiates the conference by causing the system to call the participants.

The remaining art applied against the claims, namely McFarland and Rosenthal, are not seen to supply what is missing from Balaz and Fitser. Accordingly, based on the foregoing amendments and remarks, independent Claims 1 and 7 are believed to be allowable.

Independent Claim 9 defines an additional-service providing apparatus used by a communication company that provides communication services. The apparatus comprises informing means for informing a user, who subscribes to the communication services of the communication company, of a call sent to the user. The apparatus also comprises an accumulation means for accumulating a time of communication of each call

from a calling party the user receives through the communication services of the communication company, and providing means for providing at least one additional service to the user in accordance with the accumulated time of communication, wherein the calling party of each call, not the user informed of the call, is charged for the call.

The applied art is not seen to disclose or fairly suggest the features of Claim 9, and in particular, is not seen to disclose or suggest the features of an accumulation means for accumulating a time of communication of each call from a calling party the user receives through the communication services of the communication company, and providing means for providing at least one additional service to the user in accordance with the accumulated time of communication. Accordingly, Claim 9 is believed allowable.

Independent Claim 10 defines an additional-service providing apparatus used by a communication company that provides communication services. The apparatus comprises sending means for sending a call to a user who subscribes to the communication services of the communication company. The apparatus also comprises an accumulation means for accumulating an amount of communication of each call from a calling party sent to the user through the communication services of the communication company, and providing means for providing at least one additional service to the user in accordance with the accumulated amount of communication, wherein the calling party of each call, not the user the call is sent to, is charged for the call.

The applied art is not seen to disclose or fairly suggest the features of Claim 10, and in particular, is not seen to disclose or suggest the features of an accumulation means for accumulating an amount of communication of each call from a calling party sent

to the user through the communication services of the communication company, and providing means for providing at least one additional service to the user in accordance with the accumulated amount of communication. Accordingly, Claim 10 is believed allowable.

Independent Claim 11 defines computer-executable program instructions loadable into the internal memory of a digital computer, comprising program code portions for performing the steps of measuring a communication time of a call from a calling party to a user through a communication service of a communication company to which the user subscribes. Program code portions also perform steps of accumulating the measured communication time of each call from a calling party to the user, and providing an additional service to the user according to the accumulated measured communication time, wherein the calling party of each call, not the user who receives the call, is charged for the call.

The applied art is not seen to disclose or fairly suggest the features of Claim 11, and in particular, is not seen to disclose or suggest the features of program code portions for performing steps of accumulating the measured communication time of each call from a calling party to the user and providing an additional service to the user according to the accumulated measured communication time. Accordingly, Claim 11 is believed allowable.

Independent Claim 12 defines computer-executable program instructions loadable into the internal memory of a digital computer, comprising program code portions for performing the steps of measuring the communication amount of a call from a calling party to a user through a communication service of a communication company to which the

user subscribes. Program code portions also perform steps of accumulating the measured communication amount of each call from a calling party to the user, and providing an additional service to the user according to the accumulated measured communication amount, wherein the calling party of each call, not the user who receives the call, is charged for the call.

The applied art is not seen to disclose or fairly suggest the features of Claim 12, and in particular, is not seen to disclose or suggest the features of program code portions for performing steps of accumulating the measured communication amount of each call from a calling party to the user, and providing an additional service to the user according to the accumulated measured communication amount, wherein the calling party of each call. Accordingly, Claim 12 is believed allowable.

Independent Claim 13 defines a communication system comprising an accumulator for accumulating at least one of a communication time and an amount of communication of each call from a calling party received by a called party through a communication service of the communication system to which the called party subscribes. An additional service is provided to the called party according to the value of the accumulator, wherein the calling party of each call, not the called party, is charged for the call.

The applied art is not seen to disclose or fairly suggest the features of Claim 13, and in particular, is not seen to disclose or suggest the features of an accumulator for accumulating at least one of a communication time and an amount of communication of each call from a calling party received by a called party through a communication service

of the communication system to which the called party subscribes, wherein an additional service is provided to the called party according to the value of the accumulator.

Accordingly, Claim 13 is believed allowable.

Independent Claim 15 defines a communication system in which a called party is connected to a first exchange and a calling party is connected to a second exchange. The communication system comprises a third exchange for determining whether said first exchange and said second exchange are operated by the same communication company to which the called party and the calling party subscribe. At least one additional service is provided to the called party according to the determination made by said third exchange. The calling party, not the called party, is charged for a call to the called party. The additional service is provided according to the communication time or the communication amount of the call provided to the called party through the first exchange.

The applied art is not seen to disclose or fairly suggest the features of Claim 15, and in particular, is not seen to disclose or suggest the features of a third exchange for determining whether a first exchange and a second exchange are operated by the same communication company to which the called party and the calling party subscribe, wherein at least one additional service is provided to the called party according to the determination made by the third exchange.

The Office Action concedes Balaz and Fitser do not disclose a first switch serving a called party, a second switch serving a calling party, and a third switch providing at least one additional service. However, the Office Action relies on McFarland, which the

Office Action contends “teaches least cost routing for teleconference.” (Office Action page 7).

McFarland relates to a conference optimization system (COS) for conference calls. Specifically, McFarland discloses that an initiator of a conference call provides the COS with requirements such as number and location of participants, beginning and ending times, and facilities requirements. (Abstract of McFarland). The COS identifies available network paths for the conference and selects the most cost effective means for initiating the conference. (Abstract of McFarland). Selecting the most cost effective means involves selecting potential conference topologies, formulating conference designs from the topologies, calculating the cost of each design, and selecting the lowest-cost design. (See Figures 7 and 8, and column 5, line 67 to column 7, line 43 of McFarland).

However, McFarland is not seen to disclose or fairly suggest determining whether a first exchange and a second exchange are operated by the same communication company to which the called party and the calling party subscribe, much less providing at least one additional service to the called party according to the determination made by the third exchange. Even if McFarland shows “least cost routing,” as asserted in the Office Action, it is not seen how “least cost routing” is pertinent to the issue of the claimed third exchange. Accordingly, Claim 15 is believed allowable.

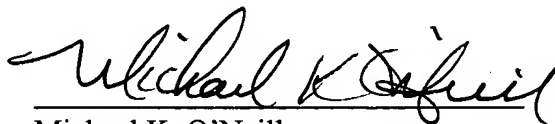
The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the

invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael K. O'Neill", written over a horizontal line.

Michael K. O'Neill
Attorney for Applicant
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

CA_MAIN 101878v1